



1914

Hughes Jurisdiction and Federal Procedure in the United States Courts

Kentucky Law Journal

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BOOK REVIEWS

Hughes Jurisdiction and Federal Procedure in the United States Courts.

The West Publishing Company have issued the second edition of Hughes' Jurisdiction and Federal Procedure in the United States Courts. The new edition is made necessary by the change in the Equity Rules of the Supreme Court and the new Judicial Code and other Federal legislation. The question of jurisdiction meets the practicing lawyer at the threshold of every case and, with our dual form of government with its dual jurisdiction of courts and procedure, it is absolutely necessary for every lawyer of general practice to understand the jurisdiction and procedure of the Federal Courts.

While the jurisdiction of the Federal courts is a narrow one, it is supreme within the lines of its boundary, and it is extremely necessary that the busy, practicing lawyer should have at hand a book of ready reference on the subject of Federal jurisdiction in order to answer those questions which arise at almost every step in his Federal practice and which no lawyer can carry in his memory.

The author stands deservedly high in the branch of the law treated in the volume before us. His work shows a familiarity with the new situation made by the changes in the law above alluded to. In order to bring these changes into thorough accord with the unchanged law, he has had, practically, to rewrite his book, cutting out what is obsolete and inserting the new law in its proper place, with reference in the notes to all the important new decisions. The citation of cases carries the key number reference of the American Digest System, thus giving access to all future decisions on the point or points in question. The work is

logically arranged, and the style of the author, lucid and simple. The book itself is intended rather as a book of ready reference on questions of ordinary routine than as an exhaustive discussion of the whole subject. It is useful, however, not only to the practicing lawyer but to the student who desires to obtain within a small compass a general view of this most important branch of Federal law.

Important Cases Decided by the Court of Appeals of Kentucky During the Month of January and February, 1914.

CHESAPEAKE & OHIO RAILWAY CO. vs. SPILLER.

In the case of the C. & O. Railway Co. etc., against Spiller, appealed from the Franklin Circuit Court, a very important point of law is decided as to the rules that may be adopted by railroad companies to be enforced against passengers who travel in their cars. In this case the appellee alleges that he purchased from the Company a ticket from Louisville to Frankfort and boarded its train at Louisville; that he was accepted as a passenger by the Company and while he was not unlawfully violating any rule of the Company the conductor of said train assaulted him in a rude and insulting manner and roughly and insultingly ejected him from the train whereby he was humiliated, mortified and inconvenienced. The Company denies the allegations in its material parts and sets out the fact that under the rules and regulations of the Company then in force passengers were not permitted to turn seats backwards or to ride in seats turned backwards; the defendant was notified of this rule and asked to turn the seat properly that he had turned back, but he refused to permit the seat to be turned and refused to get out of the seat which was turned backwards, and when the employees of the train undertook to remove him from the seat for the purpose of enforcing the rule he braced himself with his feet against the seat in front of him and when the conductor took hold of his feet he was kicked in the breast and stomach. Thereupon the employees lifted the plaintiff from the seat and carried him to the platform, and he walked down the steps and alighted from the train. The Company alleges that it used no more force than was necessary to enforce the rule.

The Company is sustained in its contention and the court lays down this as the rule of law in this State.

It is the duty of the carrier in the interest of the traveling public to adopt reasonable rules and regulations for the operation of its trains